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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/365,735	08/03/1999	ROBERT M. COOPER	06975/050001	2170

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EXAMINER

HUYNH, SON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/365,735	Applicant(s) COOPER ET AL.	
	Examiner Son P Huynh	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 82-112 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 82-112 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 February 2003 is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on July 16, 2004 have been fully considered but they are not persuasive.

Applicants argue "Alexander does not describe or suggest determining a local day-part appropriate for the geographic location and designating a content source from among the two or more content sources based upon the determined local day-part." on page 9 (third paragraph) of applicant's response. This argument is respectfully traversed.

Alexander discloses providing content source to user based on user geographic location (viewer's zip code – col. 28, lines 12-21). Alexander additionally discloses channel slots are customized according to the day of the week and time of the day in accordance with the Viewer's Profile. For instance, if a particular viewer frequently watched Nick at Nite on weekday evenings from 7 pm to 10 pm, then the EPG automatically tunes the television between 7 pm and 10 pm, to the appropriate Nick at Nite channel as the first channel in the Grid Guide (col. 30, line 59-col. 31, line 7). By doing so, a local day-part (the time 7 pm –10 pm) appropriate for the geographic location (for a particular viewer's zip code) must be determined. In other words, the system must determine the time (the local day-part) appropriate for the geographic location (zip code) for at least one user.

The claimed feature of "designating a content source from among the two or more

Art Unit: 2611

content sources based upon the determined local day-part” is met by designating Nick at Nite channel from among the two or more sources (e.g. source that provide Nick and Nite channel and source that provide ESPN channel – col. 30, line 60-col. 31, line 8) based upon the determined local day-part (e.g. 7 pm to 10 pm for particular viewer’s zip code).

Applicants further argues that Alexander fails to address at least the “day-part” feature of claim 82 since Alexander discloses two different users having the same geographic location and the same day-part would be presented with two different EPGs based upon two different user profile on page 10 (second paragraph) of applicant’s response.

In response, examiner agrees that Alexander discloses two different users having the same geographic location and the same day part would be presented with two different EPGs based upon two different user profiles. Since the user profile includes viewer’s top favorite channels and viewer’s favorite type of programs at particular time (col. 28, lines 12-22; col. 30, line 46-67), then the different sources provided to different users at the same geographic location is based on user’s favorite channel, user’s favorite type of programs. However, the day-part (for example, 7 pm to 10 pm) must be determined so that the user’s favorite channel/type of program (e.g. Nick at Nite) is presented to a particular user.

More importantly, applicant should note that the claim does not require two different users to be presented with two different or same EPGs based upon two different user

Art Unit: 2611

profiles. In other words, applicant's arguments are not relevant to the claimed feature, and therefore applicant's arguments are not persuasive.

For reasons given above, rejection to claims 82-112 is maintained as repeatedly discussed below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 82- 96 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander (US 6,177,931).

Regarding claim 82, Alexander discloses viewer profile includes viewer's zip code, times of day, and days of week during which the viewer watches television, etc. (col. 28, lines 11-52). Content from various sources (col. 8, lines 19-35) are distributed to viewer based on viewer's profile (col. 27, lines 3-5, col. 30, lines 45-67). The EPG is also customized according to the day of the week and the time of day in accordance with the

Art Unit: 2611

Viewer Profile (col. 30, line 45-67). If a program is on two channels, the system will select the best channel based on which of the two channels the viewer watches more often (col. 31, line 64+). Thus, the method comprising:

determining a geographic location of a user (determining viewer's zip code— col. 32, lines 4-21)

determining a local day part (determining weekday evenings from 7 pm to 10 pm – col. 30, line 62-col. 31, line 7) appropriate for the geographic location.

receiving content from two or more content sources (figure 1);

designating a content source from among the two or more content sources based upon the determined local day-part (col. 30, line 59+);

configuring a content display to feature content from the designated content source over content from other of the content sources;

presenting the content display to the user (col. 30, line 45+).

Regarding claim 83, Alexander teaches receiving content comprises receiving content from two or more broadcast sources (ABC, CBS, etc. – figure 1).

Regarding claim 84, Alexander teaches receiving content from two or more broadcast sources comprises receiving content from two or more broadcast networks (cable, Internet, satellite services, etc. – col. 8, lines 30-35, col. 28, line 13+).

Art Unit: 2611

Regarding claim 85, Alexander teaches featuring content from the designated content source comprises configuring the content display to display only content related to the designated content source (col. 30, line 60+).

Regarding claim 86, Alexander teaches featuring content from the designated content source comprises configuring the content display to display a majority of content related to the designated content source (video and detail information of highlighted source display on screen - col. 30, line 60+ and figure 3).

Regarding claim 87, Alexander teaches featuring content from the designated content source comprises configuring the content display to display content related to the designated content source in a prominent position on the content display relative to a position of content from one or more other content source (the selected source is highlighted, detail information of the highlighted source display PIP window- col. 30, line 60+ and figure 3).

Regarding claim 88, Alexander teaches featuring content from the designated content source comprises configuring the content display to display content related to the designated content source in a prominent manner (highlighted) on the content display relative to a manner of content from one or more other content source (col. 30, line 60+ and figure 3).

Art Unit: 2611

Regarding claim 89, Alexander teaches the content includes content other than advertising content (TV program – figure 3).

Regarding claim 90, Alexander teaches the method further comprising:

receiving one or more advertising segments corresponding to one or more of the content sources (col. 32, line 24+);

identifying one or more advertising segments corresponding to the designated content source (col. 33, lines 35-43) ; and

configuring the content display to feature one or more advertising segments corresponding to the designated content source over advertising segments from other of the content sources (figure 3, col. 33, line 35+).

Regarding claim 91, Alexander teaches featuring one or more advertising segments corresponding to the designated content source comprises configuring the content display to display only advertising segments related to the designated content source (col. 33, line 34+).

Regarding claim 92, Alexander teaches featuring one or more advertising segments corresponding to the designated content source comprises configuring the content display to display a majority of advertising segments related to the designated content source (col. 20, line 4+ and figure 10).

Art Unit: 2611

Regarding claim 93, Alexander teaches one or more advertising segments corresponding to the designated content source comprises configuring the content display to display advertising segments related to the designated content source in a prominent position on the content display relative to a position of content from one or more other content source (the selected ads is highlighted, detail information of the highlighted source display Ad window- col. 20, line 4+ and figure 10).

Regarding claim 94, Alexander teaches one or more advertising segments corresponding to the designated content source comprises configuring the content display to display advertising segments related to the designated content source in a prominent manner on the content display relative to a manner of content from one or more other content source (the selected ads is highlighted- col. 20, line 4+ and figure 10).

Regarding claim 95, Alexander discloses content is provided to viewer based on Viewer Profile and local day part of the viewer as discussed in the rejection of claim 82.

Alexander further discloses multiple icons related to the highlighted program are displayed in the Guide. The icon provides viewer with the option of connecting to the Internet, e.g., to a particular on line chat about the highlighted program (col. 13, lines 35-45, col. 18, line 55+). Apparently, configuring a content display comprises configuring a communication utility based (chat) upon the determined local day part.

Art Unit: 2611

Regarding claim 96, Alexander teaches configuring a communications utility comprises configuring a chat room (col. 17, line 35+).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 97-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander (US 6,177,931).

Claims 97-111 are directed toward embody the method of claims 82-96 respectively in "computer program store in computer readable medium". It would have been obvious to embody the procedures of Alexander as discussed with respect to claims 82-96 in a "computer program stored in computer readable medium" in order that the instructions could be automatically performed by a processor.

Regarding claim 112, the limitations as claimed correspond to the limitations of claim 97 and are analyzed as discussed in the rejection of claim 97.

Conclusion

Art Unit: 2611

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yuen et al. (US 6,583,825 B1) teaches method and apparatus for transmitting and downloading setup information.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone

Art Unit: 2611

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh
November 15, 2004


CHRIS GRANT
PRIMARY EXAMINER